

238752

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Palmetto of Richland County LLC for Certificate that the Acquisition of the City of Columbia Sewer Collection System serving portions of unincorporated Richland County is in the Public Interest and for Establishment of a Service Area and Rates and Charges.

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

2012 AUG 29 PM 3:48

COVER SHEET

SC PUBLIC SERVICE
COMMISSION

COPY

DOCKET

NUMBER: 2012 - 273 - S

Posted: led

Dept: AA

(Please type or print)

Submitted by: John M. S. Hoefer, Esquire Date: 8/20/12 SC Bar Number: 2549

Address: PO Box 8416

Time: 10:11

Telephone: 803-252-3300

Fax: 803-771-2410

Columbia, South Carolina 29202-8416

Other:

Email: jhoefer@willoughbyhoefer.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

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PSC SC
MAIL / DMS

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WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

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MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL
TRACEY C. GREEN
BENJAMIN P. MUSTIAN
ELIZABETH ZECK*
ELIZABETHANN LOADHOLT FELDER
CHAD N. JOHNSTON
JOHN W. ROBERTS

SC PUBLIC SERVICE COMMISSION
AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

August 29, 2012

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*ALSO ADMITTED IN TX

VIA HAND-DELIVERY

The Honorable Jocelyn D. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29211

AUG 29 2012

PSC SC
MAIL / DMS

RE: Application of Palmetto of Richland County LLC for Certificate that Acquisition is in the Public Interest and for establishment of Service Area, Rates and Charges
Docket No.: 2012-273-S

Dear Ms. Boyd:

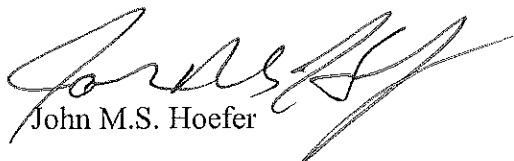
Enclosed for filing are the original and one (1) copy each of an **Objection to Lawrence Petition to Intervene** and a **Motion for Appointment of Hearing Officer and Prehearing Conference** on behalf of the Applicant in the above-referenced matter. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies that are enclosed and returning them to me via our courier.

By copy of this letter, I am serving counsel for the Office of Regulatory Staff and Mr. Lawrence with a copy of same and enclose a Certificate of Service to that effect.

If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

WILLOUGHBY & HOEFER, P.A.


John M.S. Hoefer

JMSH/ccm

Enclosures

cc: Nanette S. Edwards, Esquire
Mr. James E. Lawrence

2012 AUG 29 PM 3: 48

THE PUBLIC SERVICE COMMISSION OF

SC PUBLIC SERVICE
COMMISSION

SOUTH CAROLINA

DOCKET NO. 2012-273-S

IN RE:

Application of Palmetto of Richland)
County LLC for a Certificate that)
the Acquisition of the City of Columbia)
Sewer Collection System serving portions)
of unincorporated Richland County is in)
the Public Interest and for)
Establishment of a Service Area and)
Rates and Charges)

CERTIFICATE OF SERVICE

This is to certify that I have caused to be mailed this day one (1) copy of an **Objection to Lawrence Petition to Intervene** and one (1) copy of a **Motion for Appointment of Hearing Officer and Prehearing Conference** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Nanette S. Edwards, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Mr. James E. Lawrence
134 Lightwood Knot Road
Columbia, SC 29223

Cindy C. Mills

Columbia, South Carolina
This 29th day of August, 2012.

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THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

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the Public Interest and for
Establishment of a Service Area and
Rates and Charges

APPLICANT'S OBJECTION TO
PETITION TO INTERVENE OF
JAMES E. LAWRENCE

Palmetto of Richland County, LLC ("Applicant" or "PRC"), pursuant to Vol. 26 S.C. Code Ann. Regs. 103-825.A.3 (Supp. 2010), hereby objects to the petition to intervene of James E. Lawrence ("Petitioner" or "Mr. Lawrence") in the above-captioned docket. In support thereof, Applicant would respectfully show as follows:

1. On August 20, 2012, Petitioner served upon Applicant via United States Mail a copy of his letter of the same date to the Commission seeking designation as an intervenor and party of record in this matter. Therein, Petitioner states that he seeks such designation so that "full rights of due process regarding the application [will] be available" to him and that he desires "a 30 minute time frame at the December 13, 2012, public hearing."

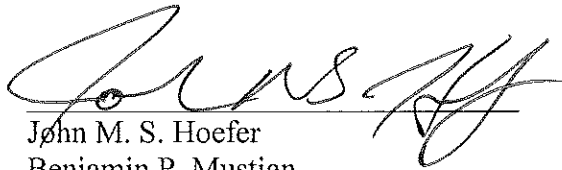
2. Petitioner's letter is insufficient to meet the requirements of Vol. 26 S.C. Code Ann. Regs. 103-825.A.3 (c) as the petition fails to state his position in this matter. Applicant has

attempted, without success, to ascertain from Petitioner whether he (a) opposes the Application (and thus wishes for the City of Columbia to remain as the wastewater service provider serving the territory where he resides), (b) supports the Application (and thus wishes for PRC to become certificated as a public utility authorized to provide wastewater service in the territory where he resides, subject to the jurisdiction of this Commission), or (c) is neutral and has no position with respect to the matter.

3. **Applicant does not seek an immediate ruling by the Commission on the within Objection.** Contemporaneously herewith, Applicant has filed with this Commission a motion pursuant to Vol. 26 S.C. Code Ann. Regs. 103-829 (Supp. 2010) seeking appointment of a Hearing Officer pursuant to Vol. 26 S.C. Code Ann. Regs. 103-804.G (Supp. 2010) for the purpose, *inter alia*, of conducting a prehearing conference in accordance with Vol. 26 S.C. Code Ann. Regs. 103-839 (Supp. 2010). Applicant submits that the position of Petitioner with respect to this proceeding may be determined in the context of a prehearing conference and therefore requests that a ruling by the Commission on the within Objection be held in abeyance pending (a) a determination on Applicant's motion for appointment of a Hearing Officer and (b), if that motion is granted, a report by the Hearing Officer to the Commission with respect to Petitioner's position in this matter.

4. Should the Commission deny Applicant's motion for appointment of a Hearing Officer, Applicant alternatively requests that Mr. Lawrence's Petition to Intervene be denied as non-compliant with R. 103-825.A.3.

WHEREFORE, having fully set forth its Objection, Applicant requests (a) that the Commission hold same in abeyance pending action on Applicant's motion for appointment of a hearing officer and a report to the Commission with respect to Mr. Lawrence's position in this matter after a prehearing conference, (b) alternatively, that Mr. Lawrence's petition to intervene be denied, and (c) that Applicant be granted such other and further relief as the Commission may deem just and proper.



John M. S. Hoefer

Benjamin P. Mustian

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jhoefer@willoughbyhoefer.com

bmustian@willoughbyhoefer.com

Attorneys for Applicant

Columbia, South Carolina
This 29th day of August, 2012